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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,) CIVIL CASE NO. 3:21-CV-06626 JCS
14 Plaintiff,)
15) STIPULATION OF SETTLEMENT AND
16 v.) [PROPOSED] ORDER
17 ALL FUNDS AND CRYPTOCURRENCY IN)
18 A FINANCIAL ACCOUNT AT NEXO, HELD)
19 IN THE NAME OF NICHOLAS)
PERZICHELLI,)
20 Defendant.)

21 IT IS HEREBY STIPULATED by and between plaintiff United States of America and claimant,
22 Nicholas Perzichilli (“Claimant,” collectively the “parties”), through their respective counsel of record, to
23 stipulate to their interests in the following described defendant property:

- 24 a. All funds and cryptocurrency in a financial account at Nexo, held in the name of
25 Nicolas Perzichilli, associated with an Ethereum Wallet Address beginning with
26 0x1cB.

27 (hereinafter the “Defendant Property”).

1 1. On August 26, 2021, plaintiff United States of America filed a complaint for forfeiture
2 against the Defendant Property, the allegations of which are incorporated herein by reference. Notice has
3 been sent to Claimant, who is the only identifiable claimant to the property besides the alleged victim,
4 Coinbase, Inc. The parties agree and stipulate to waiver of any further notice or service of a warrant for
5 the arrest of an article *in rem*, filed contemporaneously with the instant stipulation.

6 2. The parties agree that the resolution of the forfeiture action is based solely on the terms
7 articulated in this Stipulation of Settlement. The parties hereby affirm that they enter into this Stipulation
8 of Settlement freely and voluntarily. The parties further agree that there are no express or implied terms
9 or conditions of settlement, whether oral or written, other than those set forth in this Stipulation of
10 Settlement. This Stipulation of Settlement shall not be modified or supplemented except in a separate
11 writing signed by the parties and filed on the Court's docket. The parties have entered into this
12 Stipulation of Settlement to coordinate their efforts in lieu of engaging in protracted litigation.

13 3. The parties agree that if the conduct described in the government's civil forfeiture
14 complaint was proven by a preponderance of the evidence that conduct would result in the forfeiture of
15 the defendant property pursuant to Title 18, United States Code, Section 981(a)(1)(C). Claimant
16 accordingly agrees to pay and forfeit to the United States \$283,899.44, which reflects the amount that
17 Claimant is alleged to have defrauded Coinbase, Inc. as described in the Complaint, and the government
18 agrees to release any and all claim, right, and control of the Defendant Property to Claimant.

19 4. The United States agrees that, upon payment of the \$283,899.44, it will file a notice of
20 satisfaction of monetary penalties. The United States further agrees that, at that juncture, it will begin the
21 process to release the Defendant Property to Claimant. Claimant understands that this process may take
22 time, as it will involve the communication of the existence and terms of settlement to a foreign authority.
23 Claimant agrees to relinquish all right, title and interest in the \$283,899.44 and agrees that said funds
24 shall be forfeited to the United States and disposed of according to law upon the Court's approval of this
25 Stipulation and the subsequent filing of a Motion for a Final Order of Forfeiture. The Court shall retain
26 jurisdiction to enforce the terms of this settlement until the payment of the \$283,899.44 to the United
27 States, and the return of the Defendant Property to Claimant.

28 5. The United States understands that the funds constituting the Defendant Property is, and

1 remains, under the control of Nexo, a cryptocurrency exchange based in the Cayman Islands. Any
2 movement of Ethereum assets to or from the address associated with those funds prior to the completion
3 of this stipulation of settlement shall be identified to Claimant. To that end, should any movement of
4 funds occur, the Claimant has a right to see transaction histories concerning the movement of such assets
5 prior to the release of any right to the \$283,899.44 by Claimant.

6. Claimant agrees to release, indemnify, and hold harmless the United States, as well as any
7 officers, agents, and employees, past or present, of the United States, including but not limited to the
8 United States Department of Justice, the United States Attorney's Office for the Northern District of
9 California, the United States Department of Homeland Security, Homeland Security Investigations,
10 and/or Customs and Border Protection, from and against any and all claims for relief or cause of action
11 for any conduct or action in any way connected to the detention, seizure, custody, and forfeiture of the
12 defendants *in rem* or arising from the provisions of this Stipulation of Settlement to the extent such
13 actions conform to the usual practices of such agencies and agents in the normal course of business.
14 Claimant further agrees that this Stipulation of Settlement in no way inhibits the United States' ability to
15 bring criminal charges or a civil complaint concerning any activity related or unrelated to the conduct
16 described in the Complaint or this Stipulation of Settlement.

7. The parties agree that each party shall pay its own attorneys' fees and costs.

IT IS SO STIPULATED:

Dated: 03/07/22



NICHOLAS PERZICHILLI
Claimant

Dated: 3/07/2022



JASON SEIBERT
Attorney for Claimant Nicholas Perzichilli

Dated: 3/10/2022

/S/ Chris Kaltsas
CHRIS KALTSAS
Assistant United States Attorney

[PROPOSED] ORDER

The Court, having considered the Stipulation of Settlement, with the Stipulation having been executed by the United States and defendant's counsel, and good cause appearing, hereby ORDERS as follows:

1. Potential Claimant Nicholas Perzichilli is hereby ORDERED to FORFEIT \$283,899.22 to the United States of America for disposition by the Attorney General in accordance with law;

2. IT IS FURTHER ORDERED that upon the forfeiture of \$283,899.22, the defendant property shall be released to the Potential Claimant, Nicholas Perzichilli, through his attorneys, Jason Seibert and Jason Liang, subject to the terms and conditions outlined in the Stipulation of Settlement between the parties; and

3. IT IS FURTHER ORDERED that this action be, and hereby is, DISMISSED without prejudice. The Court retains jurisdiction to enforce the terms of the parties' settlement agreement.

IT IS SO ORDERED.

Dated:

HON. JOSEPH C. SPERO
Chief United States Magistrate Judge